Scott. II-29--27,004--25-11-25.

Revenue (1926) Department.

Mis SERIES.

G.O. No. 120

120

DATED 23-1-26

[Despatch Abstract.]

Lease - Land - (South Kanara).- Kumbhare Mallikarjun - Fish oil and Curio factory - Refusal to renew- appeal to Government - rejected.

C.F. 31

Revenue **DEPARTMENT.**

CURRENT No. 2345A

Received ..... 192 . *Registered* 15-12-1925.

HD 15/12

Subject.

Lease - Land (South Kanara) Mangalore Taluk and town - fish oil and guano factory - Refusal to renew - appeal to Government - Messrs. H.C.Fernandez.

ENCLOSURES.
No. .....
.....
Spare copies .....

Reference No. B.5319-25-1

Station Madras, *Dated the* 9th December 1925.

From W.Scott Brown Esquire, I.C.S.
Secretary,
Land Revenue and
~~The~~ Board of Revenue Revenue Settlement, etc.
~~Separate~~ Revenue.

~~H.A.B~~ Esquire, I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~
Reference.

Read the following:-

Letter from G.W.Wells, Esquire, M.A., I.C.S., -- Collector of South Kanara, R.C.C.No.7798-25-A 7, dated 23rd November 1925.

4/3-4 infra

Reference.-

Submitted to Government.

2. The factory stands on the sandspit in -- Mangalore Thota village, opposite to the Bunder. The term of the lease of the plots granted to Messrs. Shaw Wallace & Co., expired on 4-12-1923 and 25-2-1924 respectively. In (13) Collector's proceedings D.Dis.2978 Revenue, dated 27-11-1919, all the lessees of fish oil factories on the Mangalore --

sandspit were warned by the then Collector (Mr.Ellis) that no renewal of the lease would be sanctioned as it was decided in consultation with the Director of Fisheries not to allow any factories on the sandspit in Mangalore Thota village for - sanitary reasons. In Collector's D.Dis.7752-23 dated 9-1-'24, (X) the petitioner was informed that the factory would not be allowed to continue in its present site, and he was advised to select a site on the sandspit in Ullal village.

After making another attempt to induce the Collector to reconsider his order the petitioner approached the Board, which saw no reason to interfere with the Collector's order (B.P.4909 Routine dated 7-11-'24) ¶072 supra

3. As explained by the Collector the petitioner has been allowed to use the factory as a Godown, and no other factory has been permitted to work in the prohibited area.

The Board has no recommendation to make on behalf of the petitioner.

W.F.W. & Bm 11/12

S e c r e t a r y.

To the Second Secretary to Government with enclosures in original.

M.P. 11/12.

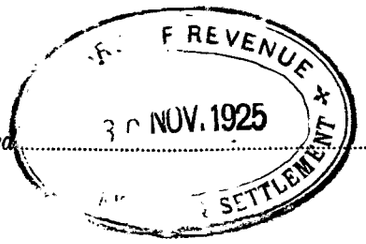
11.12.24

C F. 30—41,000—8-9-24.

2 3

DEPARTMENT.

B5319



Received ..... 192 . *Registered* ..... 192 .

Subject.

Lease - land - Mangalore Taluk and Town - fish oil and guano factory - petition - Messrs H.C. Fernandez & Co., Mangalore report submitted.

ENCLOSURES.

No. .....

.....

Spare copies .....

R.O.C. No. 7798-25-A 7.

Station Bellare. , *Dated the* 23rd November 192 5.

From (Name) G. W. Wells, Esquire, I.A., I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,
Through
The Secretary to Board,
Land Revenue & Settlement,
Department.
Madras.

Sir,

I submit herewith the petition of Messrs H.C. Fernandez & Co., Mangalore addressed to the Government together with its enclosures and the connected records noted in the margin.

1. D.Dis.2978 Ref19/27-11-19 of this office.
2. " 7752-23/9-1-24 ✓ do
3. L.Dis.1497-24/28-2-24 ✓ do
4. L.Dis.4694-24/5-6-24 ✓ do
5. D.Dis.9977-24/ 14-11-24 do
6. D.Dis.454 Rev 17-1-20 do

2. The facts of the case are fully stated in my predecessor's letter to the Board Ref.C.No. 9977-24-A 2, dated 25-10-24, contained in D.Dis.9977-24 dated 14-11-24, in connection with the petitioners' petition to the Board and disposed of in B.P.No.4909 Routine dated 7-11-24.

3. The enclosed copy of the Revenue Inspector's sketch dated 14-10-25 prepared in connection with the present ----- petition will show that the 5 similar cases of fish oil and guano factory sites referred to by the petitioners in para 15 of the petition are plots marked I, II, & III therein and fall outside the restricted area. They were leased out after making due enquiries through the Tahsildar as will be clear from the enclosed Disposal files of this office ----- D.Dis. 8755-24 dated 22-11-24, 10993-24 dated 31-3-25 ----- and 487-25 dated 8-6-25. There are however 5 fish oil and guano factory sites within the restricted area including the petitioners' site but the fish oil and guano industry has been stopped in all of them though they have been -------- allowed to be used for fish storing purposes, which ------- concession has been extended to the petitioners also- please see the enclosed files of this office D.Dis.2082-20 dated 6-8-20 and L.Dis.4894-24, dated 5-6-24.

Your obedient servant,

For Collector.

U.S. 25-11-25.

25NOV1925

G.O.No.7798-25-dy. 16.9.25 5

To

The Secretary,

to the Government of Madras,

Local and Municipal Department,

Fort St.George,

M A D R A S.

Thro:

The Collector & District Magistrate,

South Kanara

Most respectfully showeth,

That we beg to submit the following for the consideration of the Government.

2 That on 30-9-24 we represented to the Board our grievances due to the order of the Collector, South Kanara, Dis.7752-23, A.2. dated 9-1-24, refusing us license to continue working our Fish Oil and Guano Factory on the site on which it existed when we purchased the same from Messrs. Shaw Wallace & Co. We enclose herein copy of our petition to the Board and also copy of the Board's Proceedings No.Rout.49P9 of 7-11-24 advising us to follow the orders of the Collector for its removal to the Sandspit in Ullal.

3 That in December '23 just a year after we purchased the factory, we applied to the Collector for renewal of the lease on expiry of the one executed by the owners before our purchase.

4 That the Collector in his D.Dis.No.7752-23 A.2 dated 9-1-24 informed us that the factory cannot be allowed to continue in its present site a n d requested us to select a site in Ullal a few miles to the south of our factory, on the southern side of the Bar.

5 That on 5-2-24 we further represented to the Collector the circumstances whereof the factory may be

be allowed to continue and the Collector's endorsement on this petition L.Dis.C.No.1497-24 A.2 dated 28-2-24 was in no way better than his original order.

6 That meanwhile the season for working the factory was drawing to a close and our attempts for obtaining the necessary lease to continue the factory would not have been of much avail. We therefore thought that we may use the factory at least as a godown for the time being, and though Collector's orders for this purpose was not necessary, we all the same applied to him on 29-4-24 in this connection, and obtained h i s permission L.Dis.C.4894/24 A.2 dated 5-6-24.

7 That just when the above order was received by us monsoon had already set in and all the factories were entirely closed.

8 That the season was to reopen in October, and our representation to the Board in the matter was dated 30-9-24. In addition to copy of our petition to the Board and proceedings thereon we also enclose herein copies of all the other references for favour of easy perusal.

9 That the Board's proceedings on our above representations was communicated to us on 5-12-24 after an interval of over two months.

10 That this year, the catch of fish was unfortunately, or rather fortunately for us very limited, and factories could work only for a very short period. By the time the Board's proceedings was to hand, our anxiety for the Board's orders to work out the factory had naturally ceased owing to long delay in the communication of the same.

11 That the Board in its proceedings referred to herein remarks that petitioners have had ample notice of this (Collector's) order. We do not at all see what we could do even if we really had ample notice. It is

is more than evident that in this respect the Board has totally failed to consider the inconvenience and the heavy loss in dismantling a huge factory and re-errect-ing it at a great distance with the usual risk of the sea washing the shore and everything on it to some distance. Further even in Ullal the Local Board has objection for the erection of Fish Guano factories on certain sites. It is not known what are the grounds for such objections. Perhaps those objections are also based on sanitary grounds.

12 That we feel sure the Board has not taken the trouble to ascertain the principles on which are based the sanitary grounds spoken of by the Revenue Board as well as the Local Board. In these circumstances we should be really thankful to Government if Government at least would be pleased to enquire deep into the matter and pass final orders. If guano factories are injurious to the health of the public in one place they cannot be otherwise in another, and thus if factories of the kind we own are really so, it may be decided once for all putting an end to such factories altogether, against the views of Hon.Mr.F.A.Nicholson to whom the origin of these factories are soley due.

13 That Sandspit in Mangalore is a very broad piece of land, between the backwater and the sea to the length of it between the two Bars, one on the south and the other on the north, and the river between the town and the sandspit is broad enough not to allow any contamination to enter the town.

14 That the whole Sandspit is even today a mere waste and the Local Government has totally failed to consider measures to put such an extensive plot to any earthly use. If factories at least are not allowed to work on this waste, Government would be really depriving itself even of its small income from such waste land.

That

15 That we now understand that the Collector has been pleased to issue license to three factories just near the Bar on the northern side of it. The factories would be in the same Sandspit in which our factory stands and between these factories and ours would be the Government Fish Curing Yard. The intervening distance will be only a hundred yards. If our factory, which would work rather scientifically, will interfere with the health of the town, we are really at a loss to know if factories which are at a short distance from ours and which would work in ordinary method would not do so when they work.

16 That thus the question for consideration in granting licenses to factories on the sandspit is the sanitation of the town, and in our opinion the persons best entitled to have a voice in the matter are Officers of the Sanitary Department. The Municipality has an Health Officer and the Local Board has also one. In refusing license to our factory neither the Collector nor the Board does not appear to have consulted any of the above Officers.

17 That we feel sure that if any of the above Officers be now consulted, none of them would in any way object to our having a license for our factory to work.

18 In conclusion, we respectfully pray that Government would at least be graciously pleased to consider well our above representations after due enquiry in all directions and grant us lease for at least 7 years on experimental principles to work out the factory as the same is worked by steam and owns all sanitary arrangements being erected by the European Firm of repute.

For which we shall ever remain grateful as the most loyal subjects of the Benign British Government.

Mangalore,
Septr.3rd 1925

H B Fernandez

H. C. FERNANDEZ & CO.,
MANGALORE.

TELEGRAPHIC AND CABLE ADDRESS:
"FERNANDO-MANGALORE."

A. B. C. CODE 5TH EDITION,
BENTLEY'S COMPLETE PHRASE CODE
AND
PRIVATE CODES USED.

Mangalore. 24th September 1925

To,

The Collector,

South Kanara,

Mangalore.

Sir,

Factory Fish Oil and Guano. Mangalore Town
Sandspit Licence -refusal.
Reference our petition dated 3-9-25 to Governmen

With reference to your Ref.C.No.7798/25/A7 of 22nd inst. We regret the copies of the petitions etc referred to were by an oversight, omitted to be enclosed in our above petition. We now submit the same herewith.

We beg to request that before dealing with the papers in question you may be pleased to inspect the site of our Factory and that of other factories recently sanctioned to be erected.

Yours faithfully.

Encl. 9.

H C Fernandez

Mangalore, 30th Sept. 1924.

To,

The Secretary, to the Commissioner to
The Board of Revenue,
Land Revenue, M a d r a s.

25 SEP 1925

Sir,

We beg to submit the following for the consideration of the Board.

We own a Fish oil and guano Factory on the Sandspit in Mangalore in the District of South Kanara.

The factory was purchased by us in 1922 from Messrs. Shaw Wallace & Co., Cochin.

The factory was being worked by steam and every arrangement is in all respects complete by itself with due regard to Sanitary principles.

We regret much that last year when we applied for extension of our lease and grant of a license for working out the factory, we were informed by the collector that the factory cannot be allowed to continue in its present site and desired us to select a sight on the Sandspit in Ullal village.

In February last we represented to him in detail how we are aggreived by his order but all our representations failed to appeal to him in as much as he was not at all pleased to reconsider his order.

All our attempts having ended in total disappointment we at last thought that we may at least convert the factory into a godown for the time being and thus applied to the Collector for permission in the matter.

Permission has anyhow been granted to us to use our factory as a godown and we are now using it as such at a great loss.

We have altogether failed to know the views of the Collector in refusing us license to work out the factory.

The factory was erected by a well known European Firm of reputation and worked out by the Firm with all the latest improvemnts and they sold the factory as it was not sufficiently paying them.

If the Collector fears in the interest of the public

public that floods would wash away the factories in the site and - cause much damages to owners, floods in the past two years has never dared do so in the case of any factory in the locality.

The factory we refer to is a mile off from the mouth of the Bar and over a mile to the East of the Seashore.

The Sandspit on which this factory as well as a few others stand is on a much higher level than the Sea as well as of the river and the space around is quite open without any plantations on the shore.

If the Collector is of opinion that the factories in the present site would be washed away by the sea, it is only in Ullal and Thanmirbavi village that the sea has washed away large portions, while the portion on which our factory stands is by far the most suitable site in every respect without being ever washed away by the seas.

It is only where there are casurina and cocoanut plantations on the shore that the sea mostly washes away the shore to some distance.

If again the Collector fears that the smell of the factories - when they are working would interfere with the health of the Town - there is no instance at all where the smell has brought in or fostered any epidemics in the Town, which is at least a couple of miles away from the site.

There is no Medical opinion to support this view if our presump -tion is correct.

Sardine on the contrary and the smell from the factories where- in they are worked out is supposed from a medical point of view to - drive away cholera.

In these circums-tances we respectfully pray that the Board on a mature consideration of all the above facts as well as reports the Board may desire to have from the subordinate authorities concerned and the loss and inconvenience we are put to by not allowing us to work out the factory or by directing its removal to any other site, will be pleased to pass orders and direct the Collector to issue - license to us for continuing the factory.

For which we shall be ever grateful to the Board.

We are,
Sir
Yours very faithfully.

Sd. H.C.Fernandez & Co.

Proceedings of the Board of Revenue, Land Revenue & Settlement.

M. T. Couchman Esq., I.C.S. Commissioner of Land Revenue.

No. Rout. 4909, dated 7th Nov. 1924.

Read the following :-

Petition from H.C.Fernandez & Co., Mangalore, dated 30th Sept 1924

Letter from the Collector of South Kanara, No. Ref.C.9977 A/2 dated 25-10-1924.

Resolution.

LEASE _ (South Kanara) Mangalore Taluk and Town- Fish oil and guano factory.. Petition - H.C.Fernandez & Co., Rejected.

The Collector's report which the Board has obtained on the Petitioner's representations shows that the Fish oil factories on the Sands-pit in Mangalore town were ordered to be closed on Sanitary grounds. The Petitioner has had ample notice of this order and his present request to be allowed to continue the factory cannot be granted. He is advised to remove the factory to the Sandspit in Ullal village as already suggested by the Collector.

True Extract,

S/d W.Scott Brown.

Secretary.

IV

To, #13 Mangalore 7th Dec. 1923.

The District Magistrate,

South Kanara, Mangalore.

Sir,

Fish Guano Factory, Sandspit. Messrs. Shaw Wallace & Co., Cochin.

We purchased the above last year and the Deed was duly Registered in our name. In these circumstances we request ~~you~~ that the title of - Factory may after due enquiry if necessary be kindly transferred to our name and the lease got executed by us for a period of at least seven years after the expiry of the existing one. If we are required to produce the sale deed for registration of the factory in our name we have no objection to produce the same whenever called upon to do so.

We beg to remain

Sir,

Yours faithfully,

S/D H.C. Fernandez & Co.,

11 14

D.Dis. 7752-23. A.2.

Proceedings of the Collector of South Kanara, Dated the 9th Jan 1924.

C. A. Souter, Esq., I.C.S.

Fish oil factory - Mangalore Town - Sandspit - Lease Extension.

Petition dated 7th December 1923, from Mr. H.C.Fernandez & Co., Mangalore.

Mangalore Tahsildar's N.Dis No.4532 Sup. 23 dated 31st December 1923.

Order.

The Petitioner is informed that the Fish oil facory cannot be allowed to continue in its present site and that he may select a sit on the Sandspit in Ullal village.

S/d P.K. Nambiar,

For Collector.

V

Mangalore, 5th February 1924

To,

The District Magistrate,

South Kanara, Mangalore.

Sir,

Fish Oil Factory on the Sandspit.

In enclosing copy of the order on our petition dated the - 7th December last, we regret much that the same is in the negative, we therefore beg to represent the following facts for your kind reconside -eration and favourable orders.

The above was purchased by us last year from Messrs. Shaw - Wallace & Co., and after its purchase we had to it a number of improve -ments at a great cost. There are now every arrangements in the whole factory for keeping it ever as clean as pssible from a sound sanitary point of view. In fact the whole factory with its Steam Boiler is in a European style and will be very easy to be convinced of this fact by a local inspection of the factory. The factory may of course be shifted to any site in Ullal or Boloor, but while there is eminent danger from the new Bar in one on the North there is danger in the other of being washed away by the sea on the South, which facts do not stand in need of any explanation.

Further the cost of dismantling the factory and erecting the same in any site would be very heavy for a Firm of a few years stand -ing just as ours. If the factory is dismantled, the Boiler arrangement will be upset and all attempts to set up the same again in a satisfact- ory manner would not only add to our loss in re-erecting the factory but would also cause an extroardinary amount of inconvenience.

We thereforerequest that in consideration of all the above facts, the Factory may be allowed to continue in its present site for at least a couple of years for which we will be ever grateful to you.

Yours faithfully,

S/d H.C.Fernandez.& Co.,

L.Dis.C.No.1497- 24- A/2.

C. A. Souter, Esquire, I.C.S.
Collector of South Kanara.

Endorsement on the Petition of Messrs.H.C.Fernandez & Co., Mangalore dated the 8th February 1924.

Factory - Fish oil & guano - Mangalore Sandspit- Lease extension

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The petitioner is informed that the order already passed cannot be reconsidered.

S/d. P.K.Nambiar.
For Collector.

Mangalore, 29th April 1924.

To,

The Collector,

South Kanara, Mangalore.

Sir,

Fish oil & Guano Factory-, Mangalore Sandspit.

We are in receipt of your order L.Dis. No. 1497/24 A.2. dated 28-2-24, which we regret very much to note. The factory was recently purchased by us from Messrs. Shaw Wallace & Co., and after its purchase from them a large amount of improvements was effected by us. The factorywas built by Messrs. Shaw Wallace & Co., with all the latest improvements from a Hygenic point of view. As such if the lease was extended the working of the factory would not in any way interfere with public health. Anyhow it has already been decided that the order already passed cannot be reconsidered. We therefore intend to convert the factory at least into a store and we accordingly request that permission may be kindly granted to use the factory as a mere godown for storing our Fish guano and fish manure etc., for which we thank you in anticipation.

We beg to remain,

Sir,

Yours faithfully,

L.Dis.C. 4894- 24 - A.2.

Proceedings of the Collector of South Kanara, dated the 5th June 1924.

C. A. Souter, Esquire, I.C.S.

Read petition dated 29th April 1924 from Messrs. H.C.Fernandez & Co Mangalore.

Order.

Factories - Fish oil & guano - use as a godown - permission petition- Messrs. H.C.Fernandez & Co., - Granted.

Permission is granted to the petitioner to use their Fish oil and guano factory as a godown.

2. The Tahsildar will obtain the necessary lease from the Company and forward it to the Port Officer, Mangalore.

S/d P. K. Nambiar

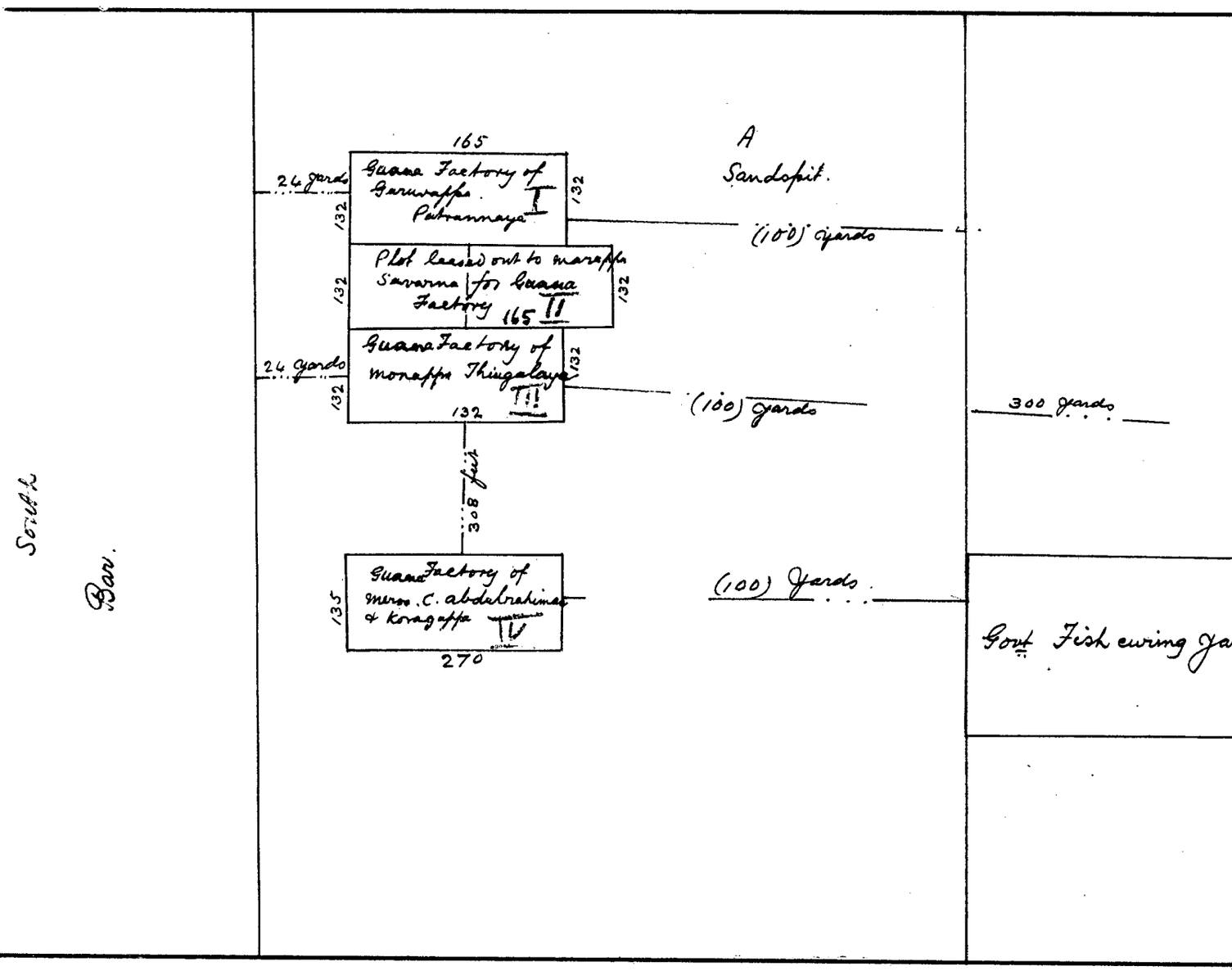
For Collector.

District = South Kanara

Taluk = Mangalore

West

Arabian Sea



I. Guana, Factory of Guruvappa Puttannaya = Area 50 Cents

II Plot leased out to manappa Suvarna —— = 50 cents

III Guana, Factory of manappa Thingalaya — = 40 cents

IV Do Do of messrs C. Abdulrahiman & Koragappa, Constructed with out permission = 83 cents

(This is now under correspondence between the Collector and the Sub Collector, Mangalore.

Site of Guana Factory of petitioner M. C. Fernandez

67

Village { No 92
Name Maugalore Tota
Sandspit
not Surveyed.

B Sandspit
Prohibited area opposite Bunders

550 yards

Sandspit

School.

Site of Guano factory of C. Abdulrahiman Kriagolla.

Site of Guano factory of M.K. Basaffa now of V. Abram

Site of Guano factory of Mongolla Kingalla

Site of Guano factory of Pehliman & Co. Innamdeny.

Site of Guano factory of Thyampanna Kankana

1 2 3 4 5 6 7 8 9 10 11

Nos 1 to 11. Fishermen's Sheds.

Prohibited area opposite Bunders

Nethravathi River

East

Sd/ B. Bawa
R.I.
14.10.25.

Les
25.11.25

True Copy
Mongalla
24/11/25
Draftsman

Revenue Deptt.

Lease – Land – (S. Kanara.) – Mangalore Taluk and Town – Fish oil factory – Petition of messrs. H. C. Fernandez.

—

Cro. 2345A/25. From the Board of Rev. Lr. dt. Reft. No. B. 5319-25-1 dt. 9.12.25

—

To Under Secy.

Please see the petition at pp 5-8 C.F., the Coll's remarks at pp 3-4 C.F. and the Board's remarks at pp 1-2 C.F. The facts of the Case are stated at pp 3-6 of the Collector's D. Dis No. 9977-24. dt. 14.11.24. The Govt. (not Collr) in Consultation with the Director of Fisheries and after personal inspection ~~has~~ came to the conclusion that no factories could be allowed on the sandspit in question on sanitary grounds.

(1)

(15) Vide his notes in Dis. No 2978 D/19 dt. 27.11.24. The Board has declined to interfere on behalf of the petitioner. There seems to be no case to interfere. A draft order is submd. for approval.

KJ/BN
21/12/25

11.1

5/1

Revenue DEPARTMENT.

Scott. II-5 (a)—28,703—6-12-24. (6)

	Date.	Initials.
When received for Fair-copying.		
When copied	23/1	
When examined	23.1	
When signed		
When despatched		

READ AGAIN G.O. No....., dated.....192 .

" " " " ..... " .....192 .

READ ALSO:—

C. No. 23457/25 From the Board of Rev. LRS. B/L No. B.5319-25-1 dated 9-12 1925

" " ..... " " ..... " ..... " 192

" " ..... " " ..... " ..... " 192

ORDER. No. 120, dated 23-1-1926

The Govt. see no reason to interfere on behalf of the petitioners. The Board of Revenue is requested to inform the petitioners accordingly.

23/1/26

22.1

To

The Board of Rev. LRS.

(with the records returned)

RECEIVED

25